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Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

March 22, 2002

William F. Caton,
Acting Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex* Parte Presentation in ET Docket 98-42

FR

BOSTON
DALLAS
DELAWARE
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

Dear Mr. Caton:

On Thursday, March 21, 2002, Mr. Kent Kipling, of Fusion Lighting, Inc. and I met with Peter Tenhula, Senior Legal Advisor to Chairman Powell. The purpose of the meeting was to discuss Fusion's position with respect to out-of-band emissions proposals by Sirius Satellite Radio and XM Radio in the above-referenced proceeding. At the meeting, Mr. Kipling distributed the attached handout describing the history of Fusion Lighting, the various out-of-band emission's proposals, tests of DARS receivers performed by Fusion, and Fusion's request for a safe harbor.

Please contact me if you have any questions.

Very truly yours,

Robert J. Ungar
Counsel to Fusion Lighting, Inc.

Enclosure
RJU/tmh
cc: Carl R. Frank
Bruce D. Jacobs

Fusion Lighting's Sulfur Lamp

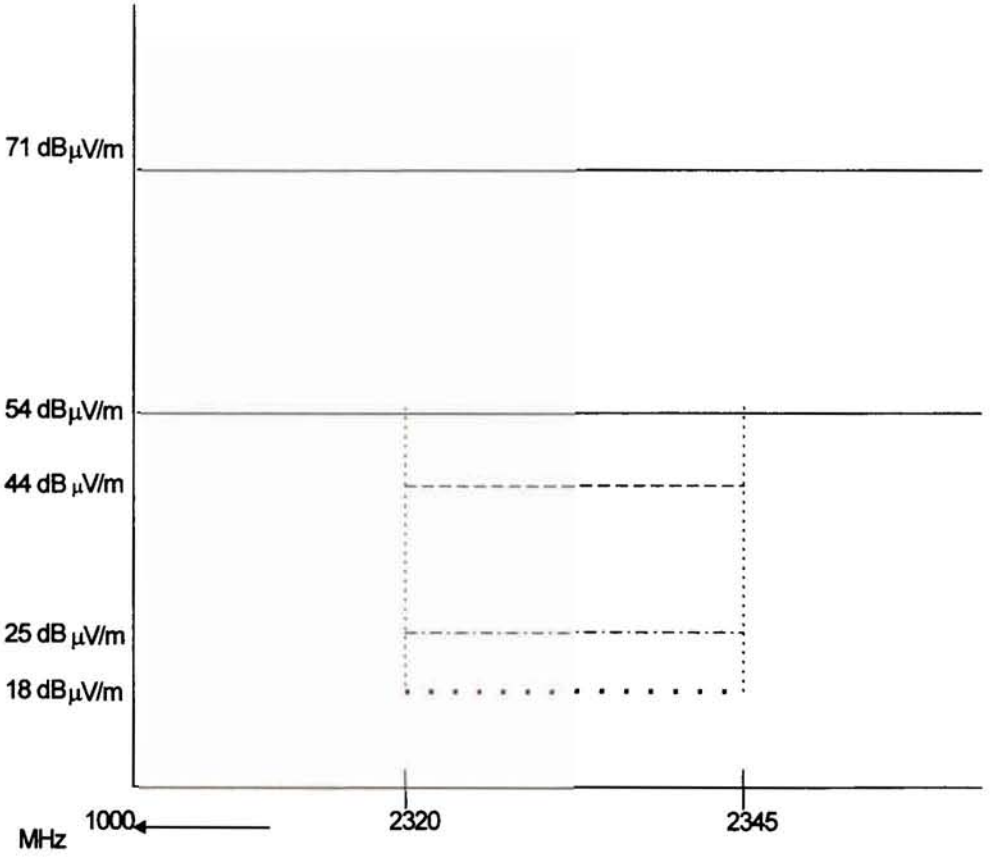
- Highly efficient
- Highly acclaimed
  - 1995 R@D 100 award
  - 1995 Popular Science - Best of what's new
  - 1998 Light Fair - Innovation award
  - 2001 Smithsonian - Lighting exhibit
- Broadly supported
  - Private $40M+, DOE $6M+, NASA, EPA

History

- Fusion directed to the 2.45 GHz ISM band by the FCC in the 1970s
  - Basis of UV curing business
  - Basis of semiconductor equipment business
- Sulfur lamp FCC tested and approved 1996
- Initial lamp sales 1996

Proposed out-of-band limits

- Current limit 71dBμV/M @ 3M Avg.
- FCC proposal 54dBμV/M @ 3M Avg.
  - 85% reduction from current limit
- Fusion proposal 44dBμV/M @ 3M Avg.
  - 95% reduction from current limit
  - Safe Harbor
- DARS demand 25dBμV/M @ 3M
  - 99.9% reduction from current limit
- Sirius petition 18.7dBμV/M @ 3M



fusionLighting

Fusion Lighting Testing of DARS Receivers

- XM Satellite Radio
  - No interference from Fusion lamp at 3 meters
    - (Lamp emission 51 dBμV/M @3 meters)

- Sirius Satellite Radio
  - No interference from Fusion lamp at 5 meters
    - (Lamp emission 51 dBμV/M @3 meters)

Tentative Fusion Proposal

- In-band limits compatible with practical magnetron driven lamps
- "Safe Harbor" guarantee for out-of-band emissions